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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,626	09/03/2004	Yuichi Terada	DK-US020720	5169

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GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER	
NALVEN, EMILY IRIS	
ART UNIT	PAPER NUMBER
3744	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/506,626	TERADA, YUICHI	
	Examiner	Art Unit	
	Emily Iris Nalven	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment on June 30, 2008 is acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7 and 10-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Gunji et al. (US Patent Pub. 2002/0144513).

In regard to claims 1 and 7, Gunji et al. teach an indoor unit (100) of an air conditioner (see Fig. 1 and para. 54) comprising a ventilation fan (400), a heat exchanger having an approximate V-shape (500, 510, 520) (see Fig. 4 and para. 55) in which refrigerant flows that are connected thereto (para. 62) and which is disposed so as to cover the upper portion of the ventilation fan (400) (see Fig. 4) and a support unit (120,121) supporting the ventilation fan (400) and the heat exchanger (500, 510, 520) (see Fig. 3 and Fig. 4), the support unit (120,121) including a tongue portion (124) covering the rear portion of the ventilation fan (see Fig. 4) and an upper casing (220) removably mounted to the support unit (120) to cover the heat exchanger (500, 510, 520) and ventilation fan (400) (para 65 lines 1-9).

Additionally, Gunji, et al. teach tongue portion (124) extending upwardly from an upper surface (side facing toward the ventilation fan) and that is positioned at a height no higher of an apex of the ventilation fan (400) (see Fig. 3 and Fig. 4 and para 58 lines 1-6) and the support unit (120,121) being configured such that the ventilation fan (400) is rotatably supported on the support unit (see Fig. 3) with the tongue portion (124) adjacent to the rear portion (see Fig. 3 and Fig. 4) and support unit (120,121) lies entirely below the apex of the ventilation fan (400) before the installation of the upper casing (220) and the heat exchanger (500, 510, 520) (see Fig. 4) and a heat exchanger (500, 510, 520) that is connected to lines (129) in which refrigerant flows are installed (see para. 62) to the support unit (121, 124) (see Fig. 3).

The recitation of "approximate inverted V-shape in cross-section" has been interpreted as a plurality of the heat exchangers combined to form a bent shape.

In regard to claim 2, Gunji et al. teach an indoor unit (100) of the air conditioner wherein the heat exchanger (500, 510, 520) is disposed so as to cover front, upper and rear portions of the ventilation fan (400) (see Fig. 12).

In regard to claim 3, Gunji et al. teach the indoor unit (100) of the air conditioner wherein the heat exchanger (500, 510, 520) is installed on the support unit (121) on which the ventilation fan (400) has already been installed (see Fig. 3 and Fig. 4).

In regard to claim 4, Gunji et al. teach the indoor unit (100) of the air conditioner comprising an electrical component box (140) that accommodates electrical components (see Fig. 12 and para. 56), and which is supported by the support unit (121) so as to be at the height no higher than the apex of the ventilation fan (400) and wherein the electrical component box (140) is installed on the support unit (120) (see Fig. 3 and Fig. 12).

In regard to claim 5, Gunji et al. teach the indoor unit (100) of the air conditioner wherein the ventilation fan (400) has a cylindrical shape (see Fig. 3 and Fig. 4) and is disposed so that a central thereof is horizontal (see Fig. 3) and the indoor unit further comprises a drive device (410) that rotatively drives the ventilation fan (400) and is disposed on the same axis as the ventilation fan (400) (see Fig. 3 and para. 57) wherein the electrical component box (140) is disposed so that the electrical components are lined up in the axial direction with the drive device (410) (see Fig. 3 and para 57).

In regard to claim 6, Gunji et al. teach the indoor unit (100) of the air conditioner further comprising a drive device (410) that rotatively drives the ventilation fan (400) (see Fig. 3 and para. 57) wherein the support unit (121) supports the ventilation fan (400) (see Fig. 3), the electrical component box (140) and the drive device (410) from below when viewed from the front support unit (120,121) (see Fig. 3 and Fig. 4 and para. 57) and the lower surface of the support unit (120) is formed to be flat (see Fig. 3). It is presumed to be that the ventilation fan (400), electrical component box (140) and drive device (410) all rest atop the

support unit (120, 121). The recitation of "flat" is interpreted to be anything that is horizontally level as illustrated in Fig. 3.

In regard to claim 10, Gunji et al. teach the support unit (121, 120) includes a discharge port (125) in communication with the ventilation fan (400) (see Fig. 5 and para 59 lines 1-4).

In regard to claim 11, Gunji et al. teach the upper casing (220) arranged to fit to an upper region of the support unit (121, 120) (see Fig. 4 - attached at 128), such a horizontal intersection line between the upper casing and the support unit (see Fig. 4).

In regard to claims 12 and 13, Gunji, et al. teach a rear access opening (125) is formed between the upper surface of the support unit (120) and upper casing when the upper casing is mounted to the support unit to cover the heat exchanger (500, 510, 520) and ventilation fan (400) (see Fig. 4), the indoor unit further comprises a back surface member (300) removably mounted to cover the rear access opening (see Fig. 2).

In regard to claims 14 and 16-17, Gunji et al. teach the back surface member (300) is configured to be installed on an indoor wall surface to support (via the support unit 120 – see Fig. 2).

In regard to claim 15, see the rejection for claim 12.

Response to Arguments

1. Applicant's arguments filed on June 30, 2008 have been fully considered but they are not persuasive. The Applicant argues that the free end of the support unit

120/121 extends above the apex of the ventilation fan. However, as seen in Fig. 4, the absolute apex of the ventilation fan is at the same height as the support unit 120/121. However, the piece 128 supporting the heat exchangers is a piece separate from the base support unit, which the Applicant eludes to as extending above the apex of the ventilation fan. As such, the base support unit (120/121) is simply below the apex of the ventilation fan (400) as seen in Fig. 2.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Iris Nalven whose telephone number is 571-272-

3045. The examiner can normally be reached on Monday - Thursday 8 AM - 5:30 PM and on alternate Fridays 8 AM – 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Cheryl J. Tyler can be reached on 571-272-4834 or Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Emily Iris Nalven
Art Unit 3744
September 26, 2008
/Emily Iris Nalven/

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art Unit 3744